

Department of Attorney General – Criminal Division

Records Retention Schedule Approved January 2008 and amended 2011 & 2013

AG Department of Attorney General

AG2 Criminal Division

AG2.1 Superior Court Unit – Capital Offenses

The Attorney General’s Office prosecutes those accused of capital offenses in Rhode Island. Capital offenses include all crimes subject to a sentence of life imprisonment. The files may include, but are not limited to, police packages, investigatory notes, witness statements, pleadings, memoranda, notes, correspondence, Victim Services files, and disposition sheets. Files from the Financial Crimes Unit and the Special Prosecution Unit (both of which existed from 1991 until 1996) would also be filed with these cases when the work of those units led to a charge with a capital offense.

Retention: Retain one hundred (100) years from the date of opening or until the sentence expires, whichever is later.

AG2.2 Superior Court Unit – Non-Capital Offenses

The Attorney General’s Office prosecutes those accused of felonies in Rhode Island. Felony convictions include all offenses punishable by imprisonment for a term exceeding one year and/or a fine exceeding one thousand dollars (but not subject to life imprisonment). The files may include, but are not limited to, police packages, investigatory notes, witness statements, pleadings, memoranda, notes, correspondence, Victim Services files, and disposition sheets. Files from the Financial Crimes Unit and the Special Prosecution Unit (both of which existed from 1991 until 1996) would also be filed with these cases when the work of those units led to a charge with a felony.

Retention: Retain thirty (30) years from the date of opening or ten (10) years after the sentence expires, whichever is later.

AG2.3 District & Superior Court Unit – Misdemeanor Offenses

The Attorney General’s Office prosecutes those charged with misdemeanors by the Rhode Island State Police or other state law enforcement agencies and misdemeanor cases appealed from the District Court to the Superior Court. Misdemeanor convictions include all offenses punishable by imprisonment for a term not exceeding one year or a fine not exceeding one thousand dollars. The files may include, but are not limited to, police packages, investigatory notes, witness statements, pleadings, memoranda, notes, correspondence, Victim Services files, and disposition sheets. Files from the Financial Crimes Unit and the Special Prosecution Unit (both of which existed from 1991 until 1996) would also be filed with these cases when the work of those units led to a charge with a misdemeanor.

Retention: Retain seven (7) years from the date of opening or one (1) year after the sentence expires, whichever is later.

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AG2.4 District & Superior Court Unit – Landmark Cases

Some cases handled by the Attorney General’s Office are precedent-setting, lead to changes in laws or policies, involve events of historical significance, or prominent/noteworthy individuals. This series contains files pertaining to these cases. The files may include, but are not limited to, police packages, investigatory notes, witness statements, pleadings, memoranda, notes, correspondence, Victim Services files, and disposition sheets. Files from the Financial Crimes Unit and the Special Prosecution Unit (both of which existed from 1991 until 1996) would also be filed with these cases when the work of those units led to a charge. Landmark cases are identified by staff of the Attorney General in consultation with the State Archives.

Retention: Permanent.

AG2.5 Superior Court Unit – Wire Tap Files

Courts sometimes authorize wiretaps as part of criminal investigations. This series contains records relating to wiretaps. The files may include, but are not limited to, applications for wiretaps, court orders, recordings, and communications.

a) Files from landmark cases

Retention: Permanent.

b) All other files

Retention: Retain until presiding judge of superior court issues an order authorizing destruction, a minimum of ten (10) years.

AG2.6 District & Superior Court Unit – Asset Forfeiture

Criminal cases sometimes result in forfeiture of assets. This series contains records pertaining to such forfeitures. This series contains criminal packages submitted by the police department. They include, but are not limited to, witness statements, toxicology reports, appraisals, titles, registry printouts, letters of notice to owners of forfeited property, and declarations of forfeiture.

Retention: Retain seven (7) years from the date the case is opened or until all issues concerning forfeiture are resolved, whichever is later.

AG2.7 District & Superior Court Unit – Warrants

Warrants are issued for individuals who fail to appear for Superior Court charges. This series contains those warrants.

Retention: Retain until the warrant is quashed and then for the time period of the series the specific case belongs with.

AG2.8 District & Superior Court Unit – Post Conviction Relief

Defendants convicted of crimes in Rhode Island may apply for post conviction relief in an effort to have the conviction overturned after they have exhausted all appeals. The records produced by attacks on defendants’ convictions include, but are not limited to, pleadings, police reports, notes, transcripts, and correspondence.

Retention: Retain seven (7) years from the date of disposition.

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AG2.9 Juvenile Unit - Delinquency Adjudications and Adult Convictions

(Amended 11.2013)

Delinquency adjudications are launched when family court petitions are filed. They include the adjudication of offenses committed by juveniles, which, if committed by adults, would constitute felonies. The files include complaints and investigations concerning prosecutions of juveniles and adults in family court. They also include, but are not limited to, criminal face sheets, family court petitions, criminal information, police packages, discovery, and motions.

Retention: Retain thirty (30) years from the date the respondent reaches the age of nineteen (19).

AG2.10 Appellate Unit – State Supreme Court and Federal Court Appeals of Criminal Matters

The Office of the Attorney General is involved in appeals of criminal matters to state and Federal courts. This series documents those cases. The records include, but are not limited to, transcripts of trial and appellate briefs of all parties, state appeals, petitions for writ of certiorari, state and federal habeas petitions and appeals of post-conviction petitions.

Retention: Retain twenty-five (25) years from the date the appeal is filed or one year after the case is resolved, whichever is later.

AG2.11 Extradition Unit – Rendition and Extradition Files

The executive authorities of other states occasionally demand that the Governor of Rhode Island surrender a person charged with a crime. The Governor of Rhode Island may also make similar demands of other states and countries. As per RIGL § 12-9-5, the Governor may call upon the Attorney General or any prosecuting attorney in the state to investigate or assist in investigating the demand and report to him or her on the situation and circumstances of the person so demanded, and whether he or she should be surrendered. The files may include, but are not limited to, notes, contact sheets, detainer files, and rendition files.

Retention: Retain seven (7) years from the date of the opening of the case or one (1) year after the case is resolved, whichever is later.

AG2.12 Information Charging Unit – No Information Files

A “no information” is a non-capital felony case that is charged by the police, but is not prosecuted by the Attorney General. This series documents those cases. The records may include, but are not limited to, copies of district court complaints, trial preparation worksheets, “no information” forms sent to the police department indicating why charges are not being pursued, and “no information” forms sent to district court.

Retention: Retain three (3) years after the case is reviewed and the decision is made not to charge.

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AG2.13 Grand Jury – Nol Pros (Nolle Prosequi)/No True Bill Files

A “nol pros” is a capital felony case charged or investigated by the police but not prosecuted by the Attorney General. A “No True Bill” is a capital felony case referred to a Grand Jury that does not result in an indictment. This series documents those cases. The records may include, but are not limited to, materials from the police department for presentation to the Grand Jury such as witness statements, investigative reports, and photos. The records in this series are copies provided by police departments. The police retain the record copies.

Retention: Retain ten (10) years from the date the case is reviewed and the decision is made not to charge.

AG2.14 Investigations

In some cases, the Office of the Attorney General opens cases for possible prosecution but ultimately, the cases do not result in criminal charges. This series documents those cases. The records may include, but are not limited to, police reports, investigative reports, investigator notes, witness statements, and other documentary evidence.

Retention: Retain three (3) years from the date the case is reviewed and the decision is made not to charge.

AG2.15 Diversion Program – Individual Case Files

Diversion cases are felony charges diverted from the criminal justice system by the defendant’s voluntary participation in a program run by the Attorney General. This series documents that program and the cases it handles. The records include, but are not limited to, packets from police department, correspondence, interviews, participation agreements, counseling records of restitution to victims, and tracking reports.

Retention: Retain seven (7) years from the date of completion of (or termination from) the program or rejection from the program.

AG2.16 Medicaid Fraud Unit – Medicaid Fraud Files

The Medicaid Fraud Unit investigates allegations of Medicaid fraud. This series documents those investigations. The records include, but are not limited to, complaints, pleadings, provider records, and correspondence concerning allegations of Medicaid fraud.

Retention: Retain thirty (30) years from the date the case is opened or ten (10) years after the sentence has expired, whichever is later.

AG2.17 Victim Witness Assistance Program – Case Logs and Notification Files

The Rhode Island Department of Attorney General provides assistance to crime victims and their families. This series documents those interactions. The files include, but are not limited to, documentation of contact with victims (including written correspondence and telephone calls), copies of all letters of notification sent to victims, and documentation of responses and/or returns.

Retention: Retain three (3) years.

Note: All of the records in this series are duplicates of records found in case files (AG2.1, AG2.2, and AG2.3).

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AG2.18 Certificates of Records Destruction

Certification of Records Destruction forms (PRA 003) signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorized the disposal of records listed in this and other applicable records retention schedules.

RIGL §38-1-10, §38-3-6(j), and §42-8.1.10

Retention: Permanent.